

**APPROVED REGULATION OF THE
STATE BOARD OF PHARMACY**

LCB File No. R051-22

Filed September 28, 2022

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: § 1, NRS 639.070, 639.180 and 639.210.

A REGULATION relating to pharmacy; requiring the holder of any certificate, license or permit issued by the State Board of Pharmacy to report certain convictions and administrative actions to the Board; authorizing the Executive Secretary of the Board to require a holder of such a certificate, license or permit to appear before the Board before the renewal of a certificate, license or permit under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Pharmacy to adopt regulations authorizing the Executive Secretary of the Board to issue certificates, licenses and permits. (NRS 639.070) Existing law authorizes the Board to refuse to renew, suspend or revoke a certificate, license or permit if the holder is not of good moral character, has been convicted of certain crimes or is guilty of certain other acts. (NRS 639.180, 639.210) This regulation requires the holder of any certificate, license or permit issued by the Board to report to the Executive Secretary: (1) the holder’s conviction of certain crimes; (2) certain administrative actions taken against the holder; or (3) the surrender of certain registration to manufacture, distribute or dispense controlled substances issued to the holder by the Attorney General of the United States. This regulation authorizes the Executive Secretary to require a person who reports such a conviction or administrative action to appear before the Board before the person’s certificate, license or permit is renewed.

Section 1. Chapter 639 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The holder of any certificate, license or permit issued by the Board shall report to the Executive Secretary:

(a) Any conviction not later than 30 days after the conviction and provide any documentation of the conviction requested by the Executive Secretary;

(b) Any administrative action taken against the holder by any professional licensing board or any state or federal agency not later than 30 days after the final disposition of the administrative action and provide any documentation of the administrative action requested by the Executive Secretary; or

(c) The surrender of any registration issued by the Attorney General of the United States pursuant to 21 U.S.C. § 823 immediately upon the surrender and provide any documentation of the surrender requested by the Executive Secretary.

2. If a holder of a certificate, license or permit issued by the Board reports a conviction or an administrative action pursuant to subsection 1, the Executive Secretary may require the holder to appear personally before the Board before the renewal of his or her certificate, license or permit.

3. For the purposes of this section, the term “conviction” means a conviction for any crime, other than a misdemeanor traffic violation that does not involve the use of alcohol or a controlled substance, and includes, without limitation, a:

(a) Final judgment of conviction;

(b) Plea of guilty or nolo contendere;

(c) Plea pursuant to North Carolina v. Alford, 400 U.S. 25 (1970); or

(d) Guilty verdict following a bench or jury trial, regardless of whether a sentence is suspended or deferred, a final judgment of conviction has been entered or there are any pending appeals.